

EXHIBIT 4

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

2 IN AND FOR THE COUNTY OF CLARK

3 STATE OF WASHINGTON,)

4 Plaintiff,)

NO. 85-1-00007-2

5 vs.)

6 CLYDE RAY SPENCER,)

7 Defendant.)

MOTION AND AFFIDAVIT FOR
ORDER AUTHORIZING ISSUANCE
OF WARRANT OF ARREST

8
9 COMES NOW the plaintiff, State of Washington, by and
10 through the Prosecuting Attorney for Clark County, represented
11 by his Deputy, James M. Peters, and the
12 plaintiff having heretofore filed an Information in the above-
13 entitled cause charging the defendant, CLYDE RAY SPENCER
14 _____, with the crime(s) of _____

15 _____
Count III: Statutory Rape I, RCW 9A.44.070

16 Count IV: Statutory Rape I, RCW 9A.44.070

17 Count V: Statutory Rape I, RCW 9A.44.070
18 _____
19 _____

20 and does respectfully move the Court for an Order authorizing
21 the issuance of a warrant for the arrest and detention of the
22 defendant, CLYDE RAY SPENCER,
23 until the said defendant can be brought before the Court to
24 answer said Information, or until further Order of the Court,
25 or until release of the defendant on such conditions as may
26 be set by the Court.

27 This Motion is based upon the annexed and attached
28 Affidavit and upon Criminal Rule 2.2 (a).

29 DATED this 28 day of February,
30 19 85

31 **COPY**
ORIGINAL FILED
James M. Peters
Deputy Prosecuting Attorney
FEB 28 1985

32 MOTION AND AFFIDAVIT - 1

George J. Miller, Clerk, Clark Co.

CLARK COUNTY PROSECUTING ATTORNEY
1200 FRANKLIN
P.O. BOX 9000
VANCOUVER, WASHINGTON 98668
(206) 609-2261

1 STATE OF WASHINGTON)
 2) ss
 3 COUNTY OF CLARK)

4 JAMES M. PETERS, being first duly sworn, upon oath,
 5 deposes and states:

6 That I am a Deputy Prosecuting Attorney for Clark
 7 County, Washington, and in the course of that capacity have
 8 personal knowledge that Clyde Ray Spencer is presently
 9 pending trial before Department 3 of the Superior Court of
 10 Clark County, Washington for the crimes of Statutory Rape
 11 in the First Degree and Indecent Liberties involving his
 12 daughter, Kathryn E. Spencer, age five, said trial is set
 13 to begin April 15th, 1985.

14 In my official capacity, on February 28th, 1985,
 15 I was contacted by Detective Sharon N. Krause of the
 16 Clark County Sheriff's Office, who is known to your affiant
 17 to be a reliable and credible individual and who reported
 18 the following information:

19 That this morning, February 28th, 1985, she was
 20 contacted by Shirley Spencer, who is the wife of the
 21 defendant, Clyde Ray Spencer, and her five year old son,
 22 Mathew Allen Charles Hanson, whose date of birth is November
 23 28, 1975. During the course of that contact Krause had
 24 occasion to interview Mathew Allen Charles Hanson based on
 25 concerns expressed by Shirley Spencer that her son, age five,
 26 may have been sexually molested by Clyde Ray Spencer within
 27 the preceding twelve months. During the course of her
 28 interview with Mathew Allen Charles Hanson, age five, Krause
 29 determined the following information:

30 Mathew appeared to be a bright and verbal child
 31 who was easy to understand and informed Krause that he
 32 had observed his father engaged in sexual acts with both
 33 his step-sister, Kathryn Spencer, who is the victim of

COPY
 ORIGINAL FILED

FEB 28 1985
 CLARK COUNTY PROSECUTING ATTORNEY
 1200 FRANKLIN
 GEORGE J. MILLER, Prosecuting Attorney
 VANCOUVER, WASHINGTON 98008
 (206) 869-2281

1 Counts I and II of the present Information, and his
2 step-brother, Mathew Spencer, age nine, who is the
3 natural son of Clyde Ray Spencer;

4 Mathew also related to Deputy Krause that he
5 himself had been victimized by Ray Spencer on numerous
6 occasions describing in detail acts of having to perform
7 fellatio on his father, his father performing fellatio
8 on him, his father penetrating his rectum digitally, he
9 having to perform digital penetration upon his father
10 and his father performing penal penetration upon the
11 child's rectum;

12 Specifically, Mathew indicated that during
13 the sum of 1984 when his step-siblings, Katy and big
14 Matt were present at his residence on the Lewis River
15 in Clark County, Washington, his stepfather took him
16 into the master bedroom of the house while his mother,
17 Shirley, was at work. Further, that Clyde Ray Spencer,
18 and he were both naked during this contact and that
19 Clyde Ray Spencer engaged him in anal penetration of
20 Mathews rectum and required Mathew to perform fellatio
21 upon Clyde Ray Spencer;

22 Further Mathew described to Deputy Krause that
23 sometime after his step-sister, Katy, left to return to
24 her home in California, which Krause advises was on
25 August 27th, 1984, a number of additional acts occurred.
26 Specifically, on one occasion he and the defendant, Ray
27 Spencer were in the bathtub and Ray Spencer forced
28 Mathew's head under the bath water and caused him to
29 put his mouth on Ray's erect penis. Mathew further
30 indicated to Krause that there were bubbles in the bath-
31 tub when this occurred.

32 In interviewing Spencer's wife, Shirley, Shirley

MOTION AND AFFIDAVIT - 3

CLARK COUNTY PROSECUTING ATTORNEY
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(206) 688-2201

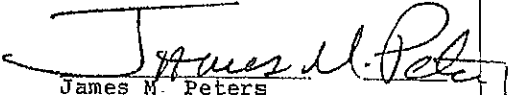
1 indicated that on one occasion after Katy left she attempted
2 to put bubble bath in Mathew's bathwater and Mathew expressed
3 extreme fear of having bubbles in his bathwater.

4 Further, that Shirley Spencer indicated to Deputy
5 Krause that on or about February 16, 1985, Ray Spencer was
6 residing at the Salmon Creek Motel located in Clark County,
7 Washington. She indicated that she had an appointment in
8 the evening of that date and had agreed with Ray Spencer
9 to leave Mathew in his care at the Salmon Creek Motel.
10 She indicated she dropped Mathew off in Room 17 of that
11 motel and described the room as an upstairs room located
12 at the back of the complex with a television set mounted
13 high upon the wall. In her interview with Mathew, Krause
14 learned that during that interaction with Ray Spencer,
15 Mathew was again sexually assaulted. Mathew indicated
16 that Ray Spencer inserted his penis into Mathew's rectum
17 and also forced Mathew to put his mouth on Ray Spencer's
18 penis.

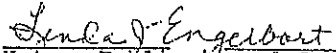
19 Further, your affiant requested that Sgt. Mike
20 Davidson of the Clark County Sheriff's Office verify the
21 description of the motel room on February 28, 1985 at 1:20
22 p.m. your affiant was advised that Davidson had personally
23 viewed the room and determined the existence of the television
24 mounted high on the wall. Further, he verified that Spencer
25 was registered at the Salmon Creek Motel between February 6th
26 and February 20, 1985.

27 Wherefore, based upon the foregoing information,
28 your affiant believes there is good and sufficient information
29 to believe that Clyde Ray Spencer is guilty of an additional
30 three counts of Statutory Rape in the First Degree and your
31 affiant prays that he be apprehended and brought before the
32 Court for further proceedings.
MOTION AND AFFIDAVIT - 4

Further your affiant saith not.


James M. Peters
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN TO BEFORE ME THIS 28 day of February,
1985.


Notary Public in and for the
State of Washington residing
at Vancouver, therein.

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